

1 words, the DOT ostensibly contemplates the position to entail some interaction with
2 the public (*e.g.*, vendors and customers). (*Id.*)

3 The Court disagrees with Plaintiff.

4 As a matter of law, neither the DOT nor the testimony of the VE
5 “automatically ‘trumps’ when there is a conflict” between the two. *Massachi v.*
6 *Astrue*, 486 F.3d 1149, 1153 (9th Cir. 2007) (footnote omitted). Instead, if a conflict
7 exists, the ALJ “must then determine whether the [VE’s] explanation for the conflict
8 is reasonable and whether a basis exists for relying on the expert rather than the
9 [DOT].” *Id.*

10 In the present case, no conflict even exists between Plaintiff’s RFC and his
11 past relevant work as described by the DOT. To that end, the DOT specifies the
12 position of mobile home utility worker as requiring a *minimum* amount of interaction
13 with people. DOT 899.484-010 (rating on an eight-point scale the position’s
14 requirements in relation to people as eight); *see also* DOT, Appendix B, 1991 WL
15 688701 (defining a rating of eight as requiring the lowest degree of interaction with
16 people (*i.e.*, simply “[a]ttending to the work assignment instructions or orders of [a]
17 supervisor”)).

18 Legal authorities further buttress this conclusion. *See, e.g., Garcia v. Astrue*,
19 2011 WL 2173806, at *3 (C.D.Cal. June 1, 2011). In *Garcia*, for instance, the court
20 found that the DOT job of “cleaner, housekeeping” was not inconsistent with a
21 limitation of non-public work because “it does not involve a significant degree of
22 relating to or interacting with people.” *Id.* Parallel to the instant case, in *Garcia*, the
23 court also took note of the precise occupational codes, which indicated limited
24 interaction with people.

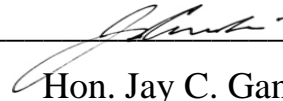
25 Aside from the more complete DOT description of the position and a prior
26 court decision on point, there also lies Plaintiff’s own description of his past
27 position. Notably, Plaintiff’s work history report did not indicate any meaningful
28 interaction with the public. (*See* AR at 118.)

1 All considered, since there is no apparent conflict between the VE's testimony
2 and the DOT, the ALJ was not required to provide an explanation for relying on that
3 part of the VE's testimony. *See* SSR 00-4p, 2000 WL 1898704, at *4 ("If the VE's .
4 . . evidence *appears to conflict* with the DOT, the adjudicator will obtain a
5 reasonable explanation for the *apparent conflict*" (emphasis added)).

6 Accordingly, the Court finds that the ALJ's step-four determination is
7 supported by substantial evidence and the ALJ properly relied on the VE's
8 testimony. *See Mayes v. Massanari*, 276 F.3d 453, 458-59 (9th Cir. 2001).

9 Based on the foregoing, IT IS ORDERED THAT judgment shall be entered
10 **AFFIRMING** the decision of the Commissioner denying benefits.

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12 Dated: June 28, 2012

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Hon. Jay C. Gandhi

16 United States Magistrate Judge
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